

REMARKS/ARGUMENTS

By this Amendment, Claims 23 and 39 are amended. Claims 1-33 and 35-42 are pending in this application. Claim 34 was canceled. Claims 1-22, 30-33, 35-38 and 40-42 stand withdrawn from further consideration.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 23 stands rejected as being anticipated by U.S. Patent 5,358,494 (Svedman). It is respectfully submitted that such a rejection is untenable, particularly, in view of the amendment to Claim 23 as set forth above.

As is abundantly clear from even the most cursory reading of the Svedman reference, he merely discloses a device for irrigating a wound via a syringe-like device. To that end, the Svedman device would only apply suction to the wound for a very short period of time, i.e., the time of retraction of the syringe's plunger. Svedman's device does not and cannot apply continuous suction to the wound to encourage healing like applicant's invention. In particular, in order for the user of the Svedman device to maintain suction on the wound for any significant time to facilitate wound healing (something that isn't even remotely suggested in Svedman), one would have to hold the syringe creating the vacuum and closing or otherwise sealing the connection or opening 9. To do so would be contra to the teaching of Svedman since the connection 9 is provided for pressure equalization. Thus, to close connection 9 to create a vacuum would nullify its pressure equalization function.

Moreover, and quite significantly, the Svedman reference is absolutely devoid of any disclosure of the use of an anisotropic wound packing which is arranged for preferential contraction along an axis generally parallel to the skin of the patient contiguous with the wound as now called for in amended Claim 1. This feature is of considerable importance to facilitate healing, e.g., the suction causes the wound to be contracted in a manner which encourages wound healing.

The Final Rejection states that the pad 11 of Svedman “comprises a cylindrical piece of synthetic fabric which is considered herein to be anisotropic as it is considerably more difficult to contract a roll of fabric via suction in directions that are orthogonal to the direction of suction flow.” That conclusion regarding the disclosure of Svedman is respectfully submitted as being erroneous and is also based on an erroneous underlying fact. In particular, all that Svedman teaches about the wound packing is that the flexible pad 11 is “a cylindrical piece of synthetic fabric or foam rubber . . .” (see Col. 2, lines 57 – 58). There is absolutely no disclosure, nor hint, in Svedman that the cylindrical piece of synthetic fabric, i.e., the pad 11, is in the form of a roll of fabric, which would be anisotropic, let alone that the pad would be oriented so that it is arranged for preferential contraction along the axis of the wound as is now set forth in amended Claim 23. In fact, there would seem to be no reason for Svedman to use a material that contracts, let alone an anisotropic material that preferentially contracts along the axis now being claimed, since Svedman is directed to the irrigation of the wound as a means of ultimately enabling the wound to heal, not to the application of suction to the wound to encourage its healing as is the case of the subject invention.

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None of the other prior art of record makes up for the deficiencies of Svedman as a viable reference to amended Claim 23.

Claims 24 – 29 are dependent either directly or indirectly upon Claim 23 and are hence patentable for reasons similar thereto.

Claim 39 is an independent method claim that has been amended somewhat similarly to Claim 23. Thus for the same basic reasons as given with respect to Claim 23, it is respectfully submitted that Claim 39 is patentable.

For at least the reasons set forth above, it is respectfully submitted that the subject application is now in condition for allowance. Thus, favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD.

By


Barry A. Stein

Registration No. 25,257

Customer No. 03000

(215) 567-2010

Attorneys for Applicant(s)

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